



# House of Representatives

## File No. 685

General Assembly

February Session, 2014

**(Reprint of File No. 441)**

Substitute House Bill No. 5328  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 25, 2014

**AN ACT CONCERNING ADVISORY AND PLANNING COUNCILS FOR  
STATE DEVELOPMENTAL SERVICES REGIONS, A CHANGE IN  
TERMINOLOGY AND THE AUTISM SPECTRUM DISORDER  
ADVISORY COUNCIL.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (b) of section 17a-273 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2014*):

4 (b) Each such council shall consist of at least ten members appointed  
5 from the state developmental services region. No employee of any  
6 state agency engaged in the care or training of persons with intellectual  
7 disability shall be eligible for appointment. At least one member shall  
8 be designated by a local chapter of the Arc of Connecticut in the  
9 region. At least one member shall be an individual who is eligible for  
10 and receives services from the Department of Developmental Services.  
11 At least two members shall be parents of persons with intellectual  
12 disability. Members shall be appointed for terms of three years. No  
13 member may serve more than two consecutive terms, except a member

14 may continue to serve until a successor is appointed. Each council shall  
15 appoint annually, from among its members, a chairperson, vice-  
16 chairperson and secretary. The council may make rules for the conduct  
17 of its affairs. The director of the region shall be an ex-officio member of  
18 the council without vote and shall attend its meetings.

19 Sec. 2. Section 17a-270 of the general statutes is repealed and the  
20 following is substituted in lieu thereof (*Effective October 1, 2014*):

21 (a) There is established a Council on Developmental Services which  
22 shall consist of [thirteen] fifteen members appointed as follows: Eight  
23 shall be appointed by the Governor, for two-year terms, one of whom  
24 shall be a doctor of medicine, one of whom shall be a person with  
25 intellectual disability who is receiving services from the Department of  
26 Developmental Services and at least two of whom shall be [parents or  
27 guardians of persons] a relative or a guardian of a person with  
28 intellectual disability; [, to serve for terms of two years each; four] six  
29 shall be appointed by members of the General Assembly for two-year  
30 terms, one of whom shall be a [parent] relative or guardian of a person  
31 with intellectual disability, appointed by the speaker of the House, one  
32 of whom shall be appointed by the minority leader of the House, one  
33 of whom shall be appointed by the president pro tempore of the  
34 Senate, one of whom shall be a person with autism spectrum disorder  
35 who is receiving, or has received, services from the department's  
36 Division of Autism Spectrum Disorder Services appointed by the  
37 majority leader of the House, one of whom shall be appointed by the  
38 majority leader of the Senate, and one of whom shall be a [parent]  
39 relative or guardian of a person with intellectual disability, appointed  
40 by the minority leader of the Senate; and one of whom shall be a  
41 member of the board of trustees of the Southbury Training School,  
42 appointed by said board for a term of one year. No member of the  
43 council may serve more than three consecutive terms, except that a  
44 member may continue to serve until a successor is appointed. The  
45 members of the council shall serve without compensation except for  
46 necessary expenses incurred in performing their duties. The  
47 Commissioner of Developmental Services or the commissioner's

48 designee shall be an ex-officio member of the Council on  
49 Developmental Services without vote and shall attend its meetings. No  
50 employee of any state agency engaged in the care or training of  
51 persons with intellectual disability shall be eligible for appointment to  
52 the council. The council shall appoint annually, from among its  
53 members, a chairperson, vice chairperson and secretary. The council  
54 may make rules for the conduct of its affairs. The council shall meet at  
55 least [bimonthly] six times per year and at other times upon the call of  
56 the chair or the written request of any two members.

57 (b) The council shall consider and advise on such matters as its  
58 members, the board of trustees of the training school and the  
59 Commissioner of Developmental Services may request. The council  
60 shall consult with the Commissioner of Developmental Services on the  
61 administration of the state program for persons with intellectual  
62 disability. The council shall recommend to the Governor and to the  
63 General Assembly such legislation as will in its judgment improve the  
64 care and training of persons with intellectual disability.

65 Sec. 3. Section 17b-244 of the 2014 supplement to the general statutes  
66 is repealed and the following is substituted in lieu thereof (*Effective*  
67 *October 1, 2014*):

68 (a) The room and board component of the rates to be paid by the  
69 state to private facilities and facilities operated by regional education  
70 service centers which are licensed to provide residential care pursuant  
71 to section 17a-227, but not certified to participate in the Title XIX  
72 Medicaid program as intermediate care facilities for [persons with  
73 mental retardation] individuals with intellectual disabilities, shall be  
74 determined annually by the Commissioner of Social Services, except  
75 that rates effective April 30, 1989, shall remain in effect through  
76 October 31, 1989. Any facility with real property other than land  
77 placed in service prior to July 1, 1991, shall, for the fiscal year ending  
78 June 30, 1995, receive a rate of return on real property equal to the  
79 average of the rates of return applied to real property other than land  
80 placed in service for the five years preceding July 1, 1993. For the fiscal

81 year ending June 30, 1996, and any succeeding fiscal year, the rate of  
82 return on real property for property items shall be revised every five  
83 years. The commissioner shall, upon submission of a request by such  
84 facility, allow actual debt service, comprised of principal and interest,  
85 on the loan or loans in lieu of property costs allowed pursuant to  
86 section 17-313b-5 of the regulations of Connecticut state agencies,  
87 whether actual debt service is higher or lower than such allowed  
88 property costs, provided such debt service terms and amounts are  
89 reasonable in relation to the useful life and the base value of the  
90 property. In the case of facilities financed through the Connecticut  
91 Housing Finance Authority, the commissioner shall allow actual debt  
92 service, comprised of principal, interest and a reasonable repair and  
93 replacement reserve on the loan or loans in lieu of property costs  
94 allowed pursuant to section 17-313b-5 of the regulations of Connecticut  
95 state agencies, whether actual debt service is higher or lower than such  
96 allowed property costs, provided such debt service terms and amounts  
97 are determined by the commissioner at the time the loan is entered  
98 into to be reasonable in relation to the useful life and base value of the  
99 property. The commissioner may allow fees associated with mortgage  
100 refinancing provided such refinancing will result in state  
101 reimbursement savings, after comparing costs over the terms of the  
102 existing proposed loans. For the fiscal year ending June 30, 1992, the  
103 inflation factor used to determine rates shall be one-half of the gross  
104 national product percentage increase for the period between the  
105 midpoint of the cost year through the midpoint of the rate year. For  
106 fiscal year ending June 30, 1993, the inflation factor used to determine  
107 rates shall be two-thirds of the gross national product percentage  
108 increase from the midpoint of the cost year to the midpoint of the rate  
109 year. For the fiscal years ending June 30, 1996, and June 30, 1997, no  
110 inflation factor shall be applied in determining rates. The  
111 Commissioner of Social Services shall prescribe uniform forms on  
112 which such facilities shall report their costs. Such rates shall be  
113 determined on the basis of a reasonable payment for necessary  
114 services. Any increase in grants, gifts, fund-raising or endowment  
115 income used for the payment of operating costs by a private facility in

116 the fiscal year ending June 30, 1992, shall be excluded by the  
117 commissioner from the income of the facility in determining the rates  
118 to be paid to the facility for the fiscal year ending June 30, 1993,  
119 provided any operating costs funded by such increase shall not  
120 obligate the state to increase expenditures in subsequent fiscal years.  
121 Nothing contained in this section shall authorize a payment by the  
122 state to any such facility in excess of the charges made by the facility  
123 for comparable services to the general public. The service component  
124 of the rates to be paid by the state to private facilities and facilities  
125 operated by regional education service centers which are licensed to  
126 provide residential care pursuant to section 17a-227, but not certified  
127 to participate in the Title XIX Medicaid programs as intermediate care  
128 facilities for [persons with mental retardation] individuals with  
129 intellectual disabilities, shall be determined annually by the  
130 Commissioner of Developmental Services in accordance with section  
131 17b-244a. For the fiscal year ending June 30, 2008, no facility shall  
132 receive a rate that is more than two per cent greater than the rate in  
133 effect for the facility on June 30, 2007, except any facility that would  
134 have been issued a lower rate effective July 1, 2007, due to interim rate  
135 status or agreement with the department, shall be issued such lower  
136 rate effective July 1, 2007. For the fiscal year ending June 30, 2009, no  
137 facility shall receive a rate that is more than two per cent greater than  
138 the rate in effect for the facility on June 30, 2008, except any facility that  
139 would have been issued a lower rate effective July 1, 2008, due to  
140 interim rate status or agreement with the department, shall be issued  
141 such lower rate effective July 1, 2008. For the fiscal years ending June  
142 30, 2010, and June 30, 2011, rates in effect for the period ending June  
143 30, 2009, shall remain in effect until June 30, 2011, except that (1) the  
144 rate paid to a facility may be higher than the rate paid to the facility for  
145 the period ending June 30, 2009, if a capital improvement required by  
146 the Commissioner of Developmental Services for the health or safety of  
147 the residents was made to the facility during the fiscal years ending  
148 June 30, 2010, or June 30, 2011, and (2) any facility that would have  
149 been issued a lower rate for the fiscal years ending June 30, 2010, or  
150 June 30, 2011, due to interim rate status or agreement with the

151 department, shall be issued such lower rate. For the fiscal year ending  
152 June 30, 2012, rates in effect for the period ending June 30, 2011, shall  
153 remain in effect until June 30, 2012, except that (A) the rate paid to a  
154 facility may be higher than the rate paid to the facility for the period  
155 ending June 30, 2011, if a capital improvement required by the  
156 Commissioner of Developmental Services for the health or safety of the  
157 residents was made to the facility during the fiscal year ending June  
158 30, 2012, and (B) any facility that would have been issued a lower rate  
159 for the fiscal year ending June 30, 2012, due to interim rate status or  
160 agreement with the department, shall be issued such lower rate. Any  
161 facility that has a significant decrease in land and building costs shall  
162 receive a reduced rate to reflect such decrease in land and building  
163 costs. The rate paid to a facility may be increased if a capital  
164 improvement approved by the Department of Developmental Services,  
165 in consultation with the Department of Social Services, for the health  
166 or safety of the residents was made to the facility during the fiscal year  
167 ending June 30, 2014, or June 30, 2015, only to the extent such increases  
168 are within available appropriations.

169 (b) The Commissioner of Social Services and the Commissioner of  
170 Developmental Services shall adopt regulations in accordance with the  
171 provisions of chapter 54 to implement the provisions of this section.

172 Sec. 4. Subsection (a) of section 17a-215d of the 2014 supplement to  
173 the general statutes is repealed and the following is substituted in lieu  
174 thereof (*Effective October 1, 2014*):

175 (a) There is established the Autism Spectrum Disorder Advisory  
176 Council. The council shall consist of the following members: (1) The  
177 Commissioner of Developmental Services, or the commissioner's  
178 designee; (2) the Commissioner of Children and Families, or the  
179 commissioner's designee; (3) the Commissioner of Education, or the  
180 commissioner's designee; (4) the Commissioner of Mental Health and  
181 Addiction Services, or the commissioner's designee; (5) the  
182 Commissioner of Public Health, or the commissioner's designee; (6) the  
183 Commissioner of Rehabilitation Services, or the commissioner's

184 designee; (7) the Commissioner of Social Services, or the  
 185 commissioner's designee; (8) the Secretary of the Office of Policy and  
 186 Management, or the secretary's designee; (9) the executive director of  
 187 the Office of Protection and Advocacy for Persons with Disabilities, or  
 188 the executive director's designee; (10) two persons with autism  
 189 spectrum disorder, one each appointed by the Governor and the  
 190 speaker of the House of Representatives; (11) two persons who are  
 191 parents or guardians of a child with autism spectrum disorder, one  
 192 each appointed by the Governor and the minority leader of the Senate;  
 193 (12) two persons who are parents or guardians of an adult with autism  
 194 spectrum disorder, one each appointed by the president pro tempore  
 195 of the Senate and the majority leader of the House of Representatives;  
 196 (13) two persons who are advocates for persons with autism spectrum  
 197 disorder, one each appointed by the Governor and the speaker of the  
 198 House of Representatives; (14) two persons who are licensed  
 199 professionals working in the field of autism spectrum disorder, one  
 200 each appointed by the Governor and the majority leader of the Senate;  
 201 (15) two persons who provide services for persons with autism  
 202 spectrum disorder, one each appointed by the Governor and the  
 203 minority leader of the House of Representatives; [and] (16) two  
 204 persons who shall be representatives of an institution of higher  
 205 education in the state with experience in the field of autism spectrum  
 206 disorder, one each appointed by the Governor and the president pro  
 207 tempore of the Senate; and (17) one person who is a physician who  
 208 treats or diagnoses persons with autism spectrum disorder, appointed  
 209 by the Governor.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2014	17a-273(b)
Sec. 2	October 1, 2014	17a-270
Sec. 3	October 1, 2014	17b-244
Sec. 4	October 1, 2014	17a-215d(a)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill makes minor and technical changes, including adding additional members to various councils and updating terminology, that have no fiscal impact to the state or municipalities.

House "A" makes clarifying changes that have no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None



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**OLR Bill Analysis****sHB 5328 (as amended by House "A")\******AN ACT CONCERNING ADVISORY AND PLANNING COUNCILS FOR STATE DEVELOPMENTAL SERVICES REGIONS, A CHANGE IN TERMINOLOGY AND THE AUTISM SPECTRUM DISORDER ADVISORY COUNCIL.*****SUMMARY:**

This bill makes several changes to the Council on Developmental Services, the Autism Spectrum Disorder Advisory Council, and the advisory and planning councils for state developmental services regions.

The bill increases, from 13 to 15, the membership of the Council on Developmental Services. One of the additional members, appointed by the House majority leader, must be a person with autism spectrum disorder who is receiving, or has received, services from the Department of Developmental Services' Division of Autism Spectrum Disorder Services. The other new member is appointed by the Senate majority leader. It expands those eligible to serve in certain positions on the council to include other relatives, not just parents or guardians, of individuals with an intellectual disability. The bill also changes how often the council must meet from every other month to six times per year.

The bill increases, from 23 to 24, the membership of the Autism Spectrum Disorder Advisory Council. The additional member must be a physician who treats or diagnoses persons with autism spectrum disorder appointed by the governor.

The bill allows a member of an advisory and planning council to serve beyond the current limit of two consecutive three-year terms if

waiting for the appointment of a successor.

This bill also updates terminology.

\*House Amendment "A" changes who appoints the two additional members of the Council on Developmental Services from the governor to the House and Senate majority leaders. In addition, it expands the Autism Spectrum Disorder Advisory Council by one member instead of two and specifies that the additional member is appointed by the governor.

EFFECTIVE DATE: October 1, 2014

## **BACKGROUND**

### ***Advisory and Planning Councils***

The developmental services commissioner must appoint an advisory and planning council for each developmental services region. The council must consult and advise the regional director on the needs of persons with intellectual disability in the region, the annual plan and regional budget, and other matters deemed appropriate.

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 26      Nay 0      (03/21/2014)